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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/735,791	12/14/2000	Paul M. Brennan	91436-313	5443
33000	7590	04/02/2004	EXAMINER	
			SMITH, CREIGHTON H	
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DATE MAILED: 04/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.	735791	Applicant(s)	Biehner
Examiner	Smith, C.H.	Group Art Unit	2695

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- Responsive to communication(s) filed on _____.
- This action is FINAL.
- Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

Claim(s) 1-3,5-15,17-23 is/are pending in the application.

Of the above claim(s) _____ is/are withdrawn from consideration.

Claim(s) _____ is/are allowed.

Claim(s) 1-3,5-15,17-23 is/are rejected.

Claim(s) _____ is/are objected to.

Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- The proposed drawing correction, filed on _____ is approved disapproved.
- The drawing(s) filed on _____ is/are objected to by the Examiner.
- The specification is objected to by the Examiner.
- The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - All
 - Some*
 - None of the CERTIFIED copies of the priority documents have been received.
 - received in Application No. (Series Code/Serial Number) _____.
 - received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

Attachment(s)

- Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- Notice of References Cited, PTO-892
- Notice of Draftsperson's Patent Drawing Review, PTO-948
- Interview Summary, PTO-413
- Notice of Informal Patent Application, PTO-152
- Other _____

Office Action Summary

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 4, 5, 12-14, 16, 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Baiyor et al.

Baiyor's method forwards an incoming phone call (105) to a directory number (Primary) to a plurality of other secondary DNs (106-113). All secondary DNs are alerted. Baiyor et al never disclose that the incoming phone call 105 is answered before processing it and forming outgoing calls 106-113, but does mention in col. 2, lines 62-65, that “[A]s the various outgoing call legs may be answered, not answered, released...”. In order for the call to be forwarded onto any of the secondary call legs 106-113, the incoming call cannot be answered because if the incoming call is answered then one of the secondary call legs will not be set up. Therefore, since Baiyor et al disclose that outgoing calls are answered it is inherent that the incoming call is not answered or Baiyor would have disclosed this. Baiyor discloses a database 220, such that as an incoming call is handled at the switch, the switch will consult DB-220 for the alerting list containing the secondary DNs, col. 6, lines 60-67. In col. 4, lines 5-10, Baiyor discloses that “the incoming call to the 105 to the pilot DN is then to be processed by a mobile switch, which then directs the incoming call to the multiple

different mobile or wireline secondary DNs of the users predefined alerting groups, creating multiple outgoing communication legs to these differing and independent directory numbers. Whichever outgoing call leg is 1st to answer will receive the call and be connected to the calling party, with the other call legs released. Applicant's apparatus is the same as Baiyor's. On page 2, lines 25-28, of applicant's spec it is disclosed that "the system initially leaves the call unanswered while initiating one or more outgoing calls to call forwarding numbers for the subscriber." This is exactly the same as Baiyor. Examiner is not sure what applicant means when it is argued that Baiyor fails to disclose that when a DN is associated with a subscriber line, an outgoing call is initiated to that subscriber line. Applicant's spec provides support for an outgoing call is initiated to the call forwarding numbers selected by the subscriber, see page 4, lines 15-16. Also examiner does not see where in the spec applicant discloses "initiating an outgoing call to a specific subscriber line having the DN of an incoming call. That argument would map as such: a) an incoming call to 123/456-7890; b) initiating an outgoing call to the DN of the incoming line, i.e., 123/456-7890. Examiner does not see this limitation/argument disclosed in the spec.

For claim 5, see col. 6, lines 63-66.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 3, 6-11, 15, 18-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baiyor in view of Otto or Brennan et al.

Pertaining to claims 3 & 8-10, Otto discloses the use of a call forwarding system that will forward calls to a voice mailbox when the call is not answered. Otto discloses that the called party is to be prompted by Otto's system to enter a password in order to receive calls from the calling party, col. 2, lines 22-24; col. 5, lines 57-67 & col. 6, lines 1-9. To have provided Otto's teaching of requiring a called party to input a PIN/password in order to receive a calling party's phone call into Baiyor's call forwarding would have been obvious to a person having ordinary skill in the art because the system will want to insure that the called party is the one that is answering the call and not some other unintended recipient. Regarding claim 6, Brennan et al disclose a voice mail system in their call forwarding apparatus, col. 4, line 66; col. 10, line 65. It is old and well known that when a phone call is not answered within a predetermined number of rings it will be forwarded to voicemail. To have similarly provided Brennan's voicemail in Baiyor's call forwarding system would have been obvious to a person having ordinary skill in the art because if the called party is not available to receive the calling party's call, he will at least have a message to call the calling party back. Likewise, Otto discloses the use a voicemail system to record messages for the called party if they are unavailable to answer the calling party's call.

Any inquiry concerning this communication should be directed to Creighton h Smith at telephone number 308-2488.

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Art Unit: 2645

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Creighton Smith

Creighton h Smith
Primary Examiner
Art Unit 2645